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Attorneys for Plaintiff
 46 LABS LLC

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

46 LABS LLC,
 an Oklahoma limited liability company,

Plaintiff,

v.

PARLER LLC,
 a Nevada limited liability company,

Defendant.

Docket No.: _____

COMPLAINT FOR DAMAGES

JURY DEMAND

- (1) Trademark Infringement under 15 U.S.C. § 1114
- (2) False Association under 15 U.S.C. § 1125
- (3) Common Law Trademark Infringement
- (4) Common Law Unfair Competition Claim

1 Plaintiff 46 LABS LLC, an Oklahoma limited liability company, by and through
2 their attorneys of record, Duane Morris LLP, assert this Complaint against Defendant
3 PARLER LLC, a Nevada limited liability company, as follows:

4 **I. INTRODUCTION**

5 1. This is an action for trademark infringement, false association, and
6 pendent common law trademark infringement and unfair competition claims. 46 Labs
7 LLC (“46 Labs or Plaintiff”) owns a federally registered stylized trademark (the
8 “Peeredge Mark”) that it uses in connection with its services. Defendant uses a logo
9 which is confusingly similar to the Peeredge Mark, causing consumer confusion,
10 substantial monetary losses, and irreparable injury to 46 Labs’s business, reputation, and
11 goodwill.

12 **II. PARTIES, JURISDICTION, AND VENUE**

13 2. Plaintiff, 46 Labs LLC, is a limited liability company organized under the
14 laws of the State of Oklahoma, with its principal place of business in Edmond,
15 Oklahoma.

16 3. Defendant, Parler LLC (“Parler”), is a limited liability company organized
17 under the laws of the State of Nevada, with its principal place of business in Henderson,
18 Nevada.

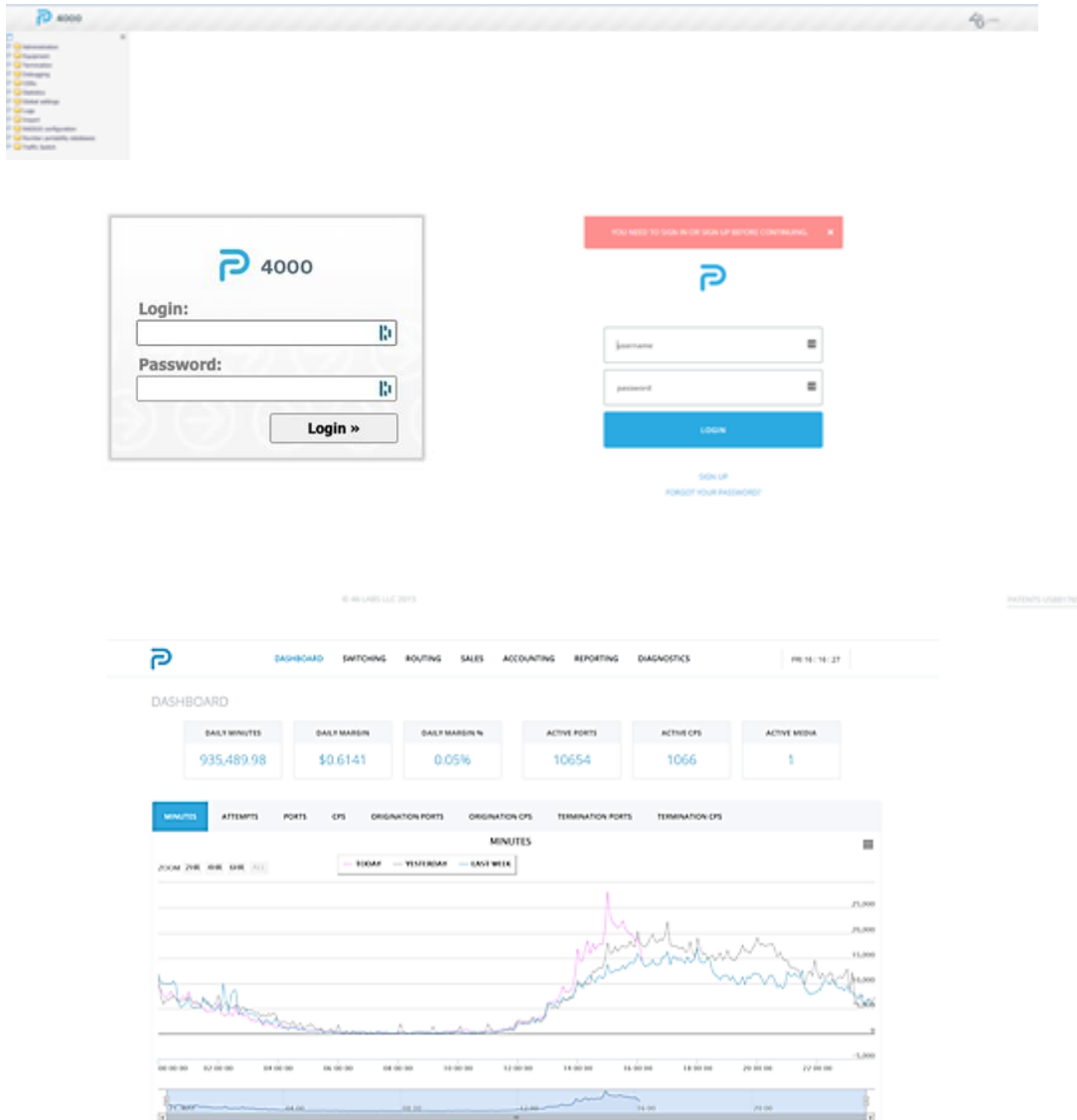
19 4. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121
20 and 28 U.S.C. §§ 1331, 1338(a), 2201 and 2202, and is further empowered to exercise
21 supplemental jurisdiction over the common law claims pursuant to 28 U.S.C. § 1367.
22 This Court has general and specific personal jurisdiction over Parler LLC because Parler
23 LLC is organized under the laws of the State of Nevada, has substantial contacts within
24 the State of Nevada, regularly conducts business in the State of Nevada, and has
25 purposefully directed its commercial activities at residents of Nevada.

26 5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, as Parler LLC
27 is said to “reside” in this district and is the sole defendant.

III. PLAINTIFF'S MARK

6. 46 Labs is a trusted global leader in communication infrastructure and services since 2012, and a leading provider of communications infrastructure and services throughout the United States and internationally. 46 Labs supports more than one billion phone calls per day across its network.

7. 46 Labs provides to its customers, as part of its services, the Peeredge user interface. Peeredge was the original product launched by 46 Labs, in approximately 2013. The logo that 46 Labs uses for the Peeredge user interface since at least as early as 2015 is a stylized "P", which users see in the upper left corner of the dashboard during use of the service, as well as on log in screens and in other places and on other materials.



8. The Peeredge Mark consists of a stylized letter “P” composed of a semicircle with an extended straight line forming the body of the “P” and a curved line that starts in the semicircle and extends downward to form the leg of the “P”:



9. To protect the goodwill developed in the Peeredge Mark, 46 Labs filed a trademark application with the United States Patent and Trademark Office for the stylized “P” mark on March 5, 2015, and the application registered on Aug. 11, 2015, as Registration No. 4,790,688. A true and correct copy of the Certificate of Registration is attached hereto as Exhibit A.

10. The Peeredge Mark has been used to market, promote, and sell Plaintiff’s communication products and services.

IV. DEFENDANT’S WRONGFUL CONDUCT

11. Defendant launched its communication platform in August 2018, promoting itself as an alternative to larger social media platforms such as Twitter and Facebook. Parler once claimed to have over 20 million users, and was the number one free app on Apple’s App Store in January 2021. Parler has used a stylized “P” (the “Infringing Mark”) in connection with its communications platform since approximately August 2018, after the registration of 46 Lab’s Peeredge Mark.

12. Parler’s mark is confusingly similar to and almost indistinguishable from the Peeredge Mark:

Peeredge Mark



Infringing Mark



13. In late 2020, during the run-up to the election, Parler’s communication platform gained national notoriety, as news and media outlets covered Parler extensively, including disseminating numerous images of the Infringing Logo. Media reports

1 indicated that many posts published on the Parler platform contained anti-Semitic
2 statements, extremist content, and conspiracy theories such as Q-anon.

3 14. Beginning in November 2020, customers of 46 Labs's contacted 46 Labs
4 based on their confusion that 46 Labs was responsible for or affiliated with Parler, due to
5 the nearly-identical logos being used by 46 Labs and Parler.

6 15. On information and belief, Parler's use of the Infringing Mark has caused
7 confusion among other customers of 46 Labs and is likely to cause additional confusion
8 in the future.

9 16. As early as November, 2020, 46 Labs contacted Parler to demand that
10 Parler cease using the Infringing Mark.

11 17. Despite having demanded that Parler cease using the Infringing Mark,
12 Parler knowingly and willfully continued to infringe 46 Labs's Peeredge Mark.

13 18. National and international news outlets linked Parler to the January 6,
14 2021 attacks at the U.S. Capitol in Washington D.C., as many reported that the mobile
15 application was instrumental in coordinating the violence. After Parler faced widespread
16 accusations that it failed to police violent content on its application related to the deadly
17 January 6, attack on the U.S. Capitol, it was banned by major service providers Apple,
18 Google, and Amazon, and removed from mobile application stores. In light of these
19 circumstances, Parler, and the Infringing mark, are now infamous.

20 19. On information and belief, the Parler platform's user base grew to
21 approximately 20 million total users as of January 2021.

22 20. The Parler communication platform was offline from approximately
23 January 10, 2021, due to the refusal of certain service providers to continue doing
24 business with Parler, until approximately February 15, 2021, when Parler relaunched its
25 communication platform. By that time, irreparable damage had been done to the
26 Peeredge Mark, the reputation of 46 Labs, and the goodwill that 46 Labs has spent years
27 building in its Peeredge Mark and business.

28 21. Parler's use of Infringing Mark has rendered Plaintiff's Peeredge Mark

1 unusable and has completely destroyed the goodwill in and value of the mark. Due to
2 Parler's infringement, 46 Labs has lost control over its product identity and reputation.

3 **FIRST CLAIM FOR RELIEF**

4 **(Trademark Infringement under 15 U.S.C. § 1114(1))**

5 22. 46 Labs incorporates the allegations in paragraphs 1–21 as if fully set forth
6 herein.

7 23. 46 Labs is the owner of a valid, protectable federal trademark registration
8 for the Peeredge Mark.

9 24. Parler has intentionally used the Infringing Mark in connection with its
10 sale, offering for sale, distribution, or advertising of its communications platform without
11 46 Labs' consent.

12 25. Parler's use in commerce of the Infringing Mark constitutes a
13 reproduction, copying, counterfeiting, or colorable imitation of the registered Peeredge
14 Mark in a manner that is likely to cause confusion, or to cause mistake, or is likely to
15 deceive consumers.

16 26. Parler's use of the Infringing Mark has caused actual confusion among 46
17 Lab's customers.

18 27. As a direct and proximate result of Parler's infringement, 46 Labs has
19 suffered, and will continue to suffer, monetary loss and irreparable injury to its business,
20 reputation, and goodwill associated with its Peeredge Mark.

21 28. Parler's unlawful conduct entitles 46 Labs to recover actual and treble
22 damages, Parler's profits, attorneys' fees and the costs of this litigation pursuant to 15
23 U.S.C. § 1117 and injunctive relief pursuant to 15 U.S.C. § 1116.

24 **SECOND CLAIM FOR RELIEF**

25 **(False Association under 15 U.S.C. § 1125(a)(1)(A))**

26 29. 46 Labs incorporates the allegations in paragraphs 1–28 as if fully set forth
27 herein.

28 30. Parler's use in commerce of the Infringing Mark constitutes a false

1 designation of origin, or a false or misleading description or representation of fact, which
2 is likely to cause confusion, cause mistake, or deceive as to the affiliation, connection, or
3 association of Parler or Parler's goods, services, or commercial activities with 46 Labs, or
4 as to the origin, sponsorship, or approval of Parler's goods, services, or commercial
5 activities with 46 Labs.

6 31. As a direct and proximate result of such unfair competition, 46 Labs has
7 suffered, and will continue to suffer, monetary loss and irreparable injury to its business,
8 reputation, and goodwill.

9 32. Parler's unlawful conduct entitles 46 Labs to recover actual and treble
10 damages, Parler's profits, attorneys' fees and the costs of this litigation pursuant to 15
11 U.S.C. § 1117 and injunctive relief pursuant to 15 U.S.C. § 1116.

12 **THIRD CLAIM FOR RELIEF**

13 **(Common Law Trademark Infringement)**

14 33. 46 Labs incorporates the allegations in paragraphs 1–32 as if fully set forth
15 herein.

16 34. By virtue of having used and continuing to use the Peeredge Mark, 46
17 Labs has acquired common law trademark rights in the Peeredge Mark.

18 35. Parler's use of the Infringing Mark infringes 46 Labs's common law rights
19 in its Peeredge Mark and is likely to cause confusion, mistake, or deception among
20 consumers, who will believe that Parler's goods originate from, or are affiliated with, or
21 endorsed by 46 Labs, when, in fact, they are not.

22 36. As the direct and proximate result of Defendant's infringement of 46
23 Labs's common law trademark rights under Nevada and other common law, 46 Labs has
24 suffered, and will continue to suffer, monetary damages and irreparable injury to its
25 business, reputation, and goodwill.

FOURTH CLAIM FOR RELIEF

(Common Law Unfair Competition Claim)

37. 46 Labs incorporates the allegations in paragraphs 1–36 as if fully set forth herein.

38. Defendant’s aforementioned acts constitute unfair competition under common law.

39. Defendant’s use of the Infringing Mark and brand identifier on its goods and services is likely to confuse and mislead the public and to induce the mistaken belief that Defendant’s goods and services are associated with 46 Labs.

40. By reason of such unfair competition, 46 Labs has suffered and will continue to suffer substantial damage to its business in the form of diversion of trade, loss of profits, loss of goodwill, and damage to reputation.

41. By reason of this unfair competition as alleged above, Parler is liable to 46 Labs for the actual damages suffered by 46 Labs, and any additional profits earned by Parler as a result of said acts.

PRAYER FOR RELIEF

46 Labs respectfully prays that the Court grant the following relief:

(1) That the Court award all damages associated with each cause of action asserted in this Complaint;

(2) That the Court award compensatory, consequential, statutory, exemplary, and/or punitive damages to 46 Labs in an amount to be determined at trial;

(3) That the Court award actual damages and disgorgement of Parler’s profits for infringement and false association, in an amount to be determined at trial, as well as any other remedies provided for under 15 U.S.C. § 1117;

(4) That the Court issue an injunction barring Parler from continued use of the Infringing Mark, and any other mark that is confusingly similar to 46 Labs’ Peeredge Mark;

(5) That the Court award interest, costs and attorneys’ fees incurred by 46 Labs in prosecuting this action;

1 (6) All other relief as the equities of the case require and to which 46 Labs is entitled.

2 **JURY DEMAND**

3 46 Labs demands a trial by jury of all issues so triable pursuant to Rule 38 of the
4 Federal Rules of Civil Procedure.

5 DATED: May 26, 2021

DUANE MORRIS LLP

6
7 By: /s/ Tyson E. Hafen
8 Manita Rawat (SBN 9656)
9 Tyson E. Hafen (SBN 13139)
10 Attorneys for 46 Labs
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Exhibit 1 - Registration Certificate

United States of America

United States Patent and Trademark Office



Reg. No. 4,790,688

Registered Aug. 11, 2015

Int. Cl.: 42

SERVICE MARK

PRINCIPAL REGISTER

46 LABS LLC (OKLAHOMA LIMITED LIABILITY COMPANY)
C/O DAN HOWARD
1503 E. 19TH ST
EDMOND, OK 73013

FOR: CLOUD COMPUTING FEATURING SOFTWARE FOR USE IN THE MANAGEMENT OF TELECOMMUNICATIONS INCLUDING SWITCHING, MANAGEMENT OF CALL DATA, TELECOMMUNICATIONS SYSTEMS AND TELECOMMUNICATIONS BUSINESS FUNCTIONS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 3-4-2015; IN COMMERCE 3-4-2015.

THE MARK CONSISTS OF A STYLIZED LETTER "P" COMPOSED OF A SEMICIRCLE WITH AND EXTENDED STRAIGHT LINE FORMING THE BODY OF THE "P" AND A CURVED LINE THAT STARTS IN THE SEMICIRCLE AND EXTENDS DOWNWARD TO FORM THE LEG OF THE "P".

SER. NO. 86-554,171, FILED 3-5-2015.

APRIL HESIK, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

Exhibit 2 - News Articles



Arkansas police chief resigns after calling for violence against Democrats

By [Blake Ellis](#) and [Melanie Hicken](#), CNN
🕒 Updated 5:01 PM ET, Sun November 8, 2020

CORONAVIRUS PANDEMIC
GLOBALLY
TOTAL CASES **10,776,482**
DEATHS **517,956**
IN THE UNITED STATES
TOTAL CASES **2,721,961**
DEATHS **128,496**
SOURCE: JOHNS HOPKINS UNIVERSITY

GOING TO THE "PARLER"
GOP OFFICIALS, CONSERVATIVE LEADERS FLOCK TO "PARLER" APP

CNN
NAS ▲ 53.00
THE LEAD

Now Playing
Big name Republicans signing up for new social media platform

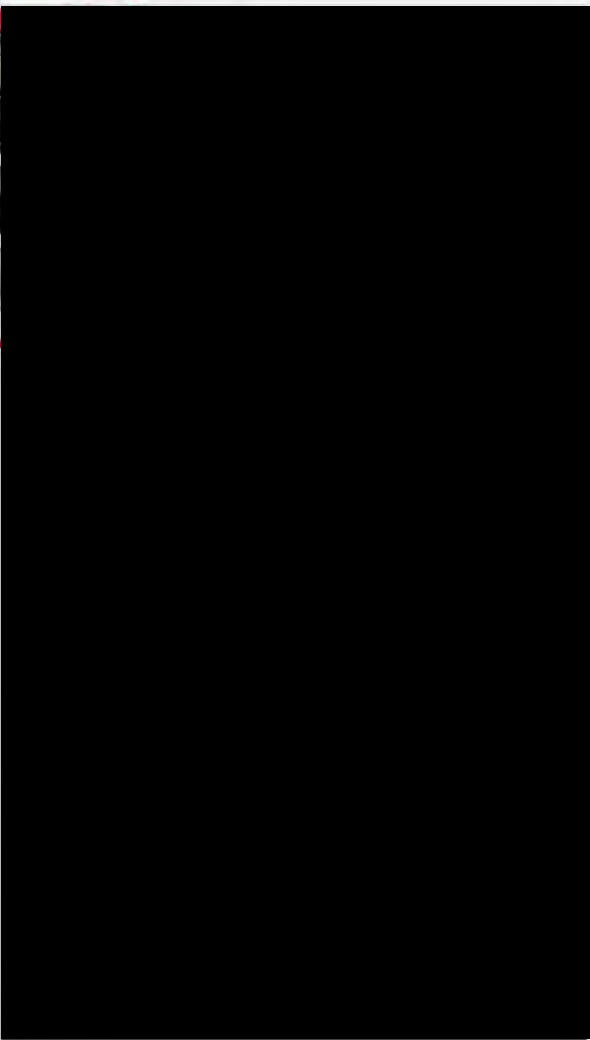
01:29
Ocasio-Cortez speaks about Marjorie Taylor Greene confrontation

04:35
Rep. Stefanik speaks out after being elected to GOP leadership

02:41
Honig: This is the worst possible news for Gaetz

03:24
Watch GOP compare C to 'normal'

More from CNN



Advertisement

(CNN) — An Arkansas police chief who posted calls for violence against Democrats on social media resigned from his job on Saturday.

Lang Holland, who was police chief of the roughly 1,300-person city of Marshall, Arkansas, drew outrage from both local residents and people around the country after making ominous comments online in recent days. In addition to repeatedly saying Democrats should be killed, he shared memes from conspiracy theory QAnon and claimed that the election was being stolen.

"Death to all Marxist Democrats," Holland posted on Parler, a new social media site popular with conservatives and used as an alternative to Twitter. "Take no prisoners leave no survivors!!!"

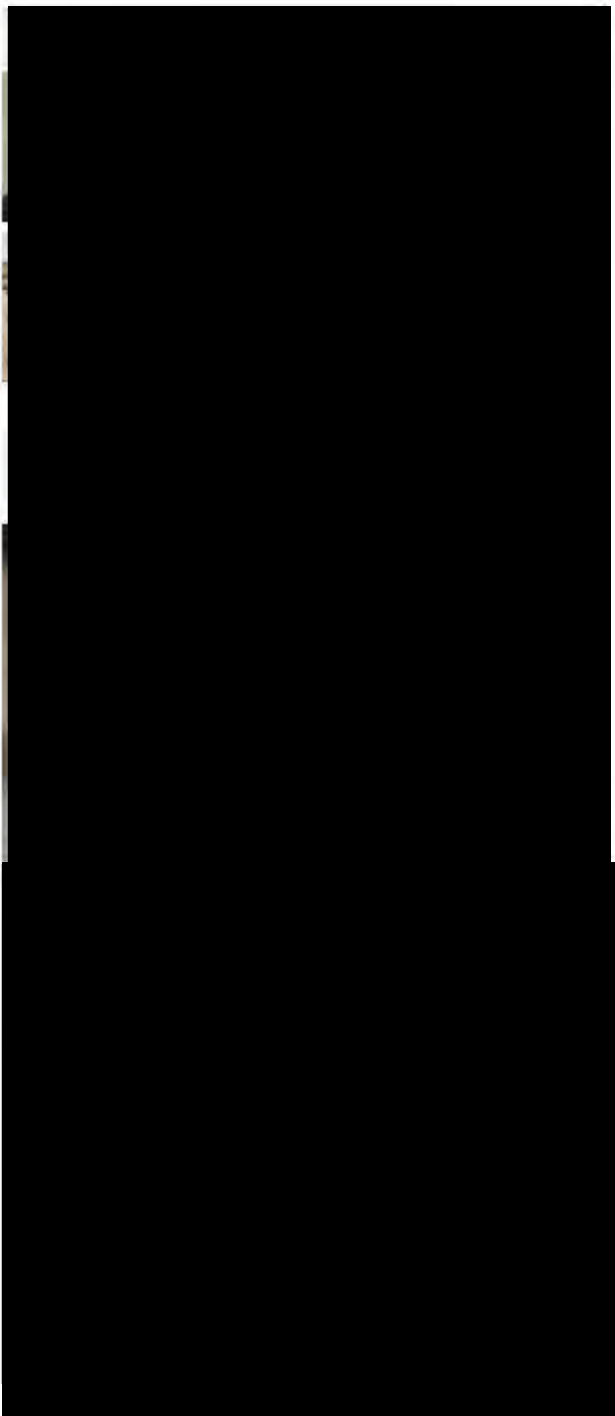
One image he shared depicted a group of Democrats, including Hillary Clinton and Barack Obama, wearing prison jumpsuits. Under the image he wrote: "I pray all those in that picture hang on the gallows and are drawn and quartered!!!! Anything less is not acceptable."

CNN could not reach Holland for comment. His Parler account was made private on Saturday.

Marshall Mayor Kevin Elliott issued a statement Saturday stating Holland had resigned from his position, effective immediately.



"The City of Marshall strongly condemns the actions of Mr. Holland in his posts to social media," Elliot wrote in the statement. "The Marshall community does not in any way support or condone bullying or threats of violence to anyone of any political persuasion...the Marshall Police force is here to serve and protect



Related Article: Armed men arrested in Philadelphia may have believed fake ballots were being counted, Philadelphia DA Office says

and Reddit.

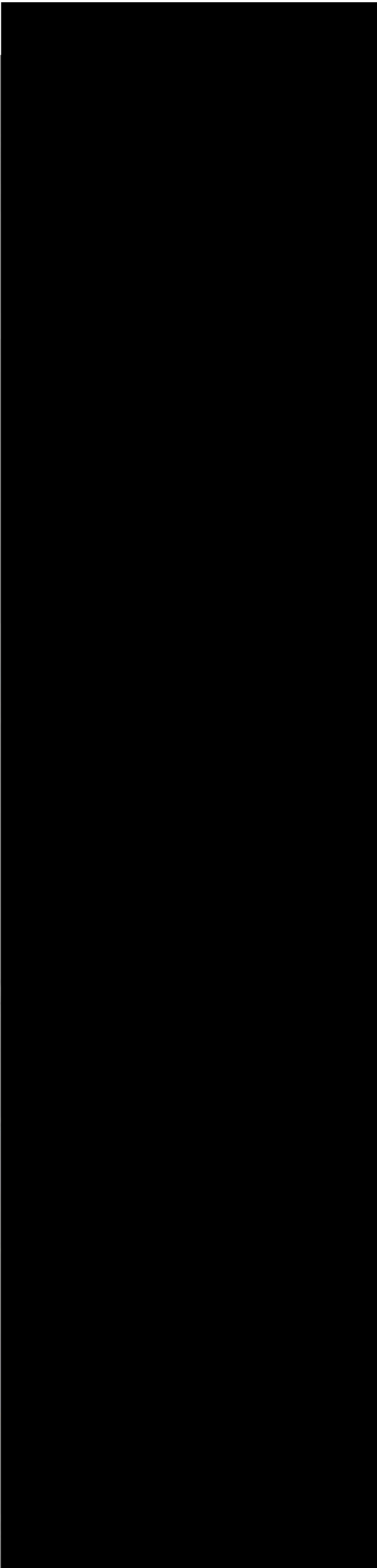
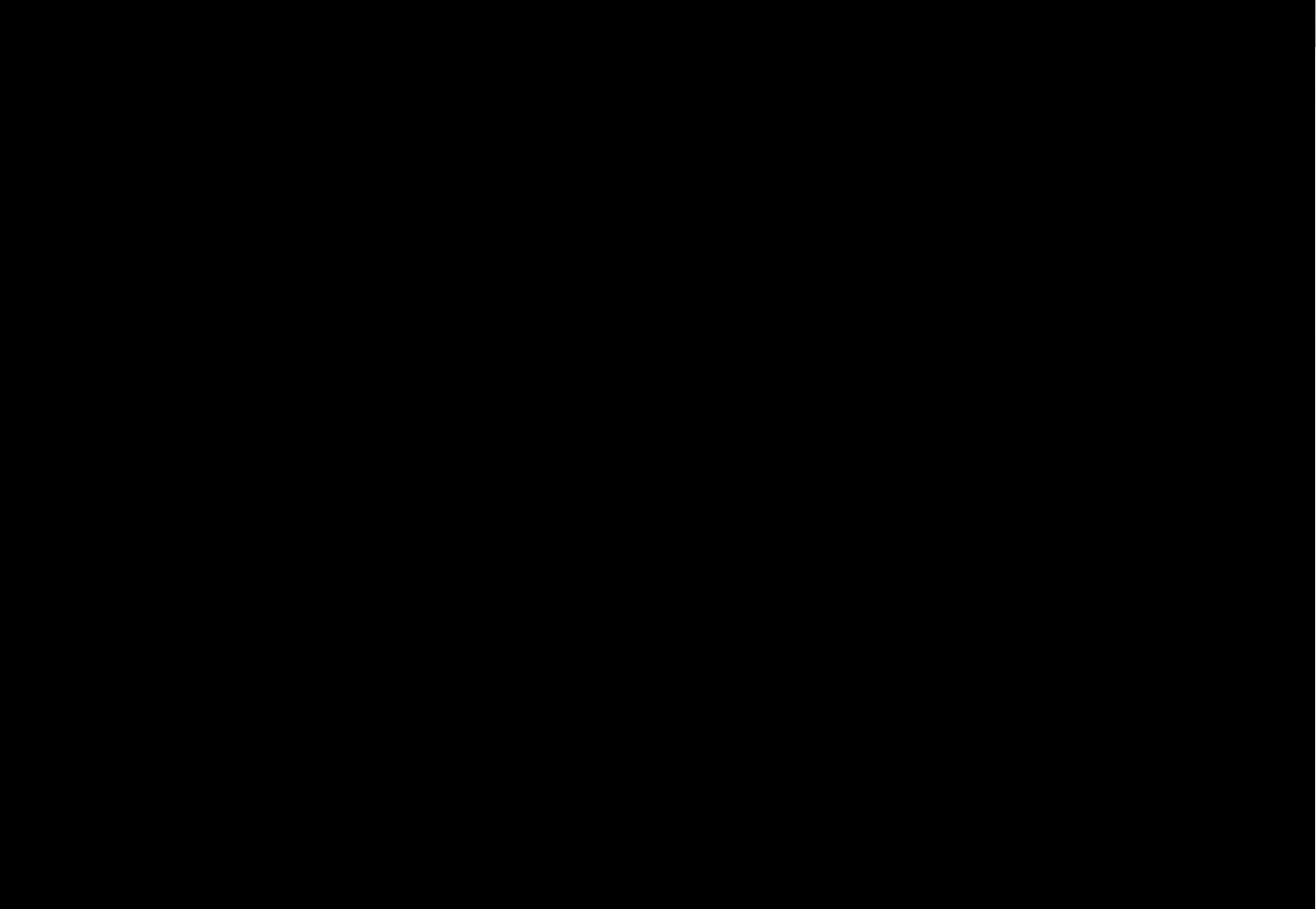
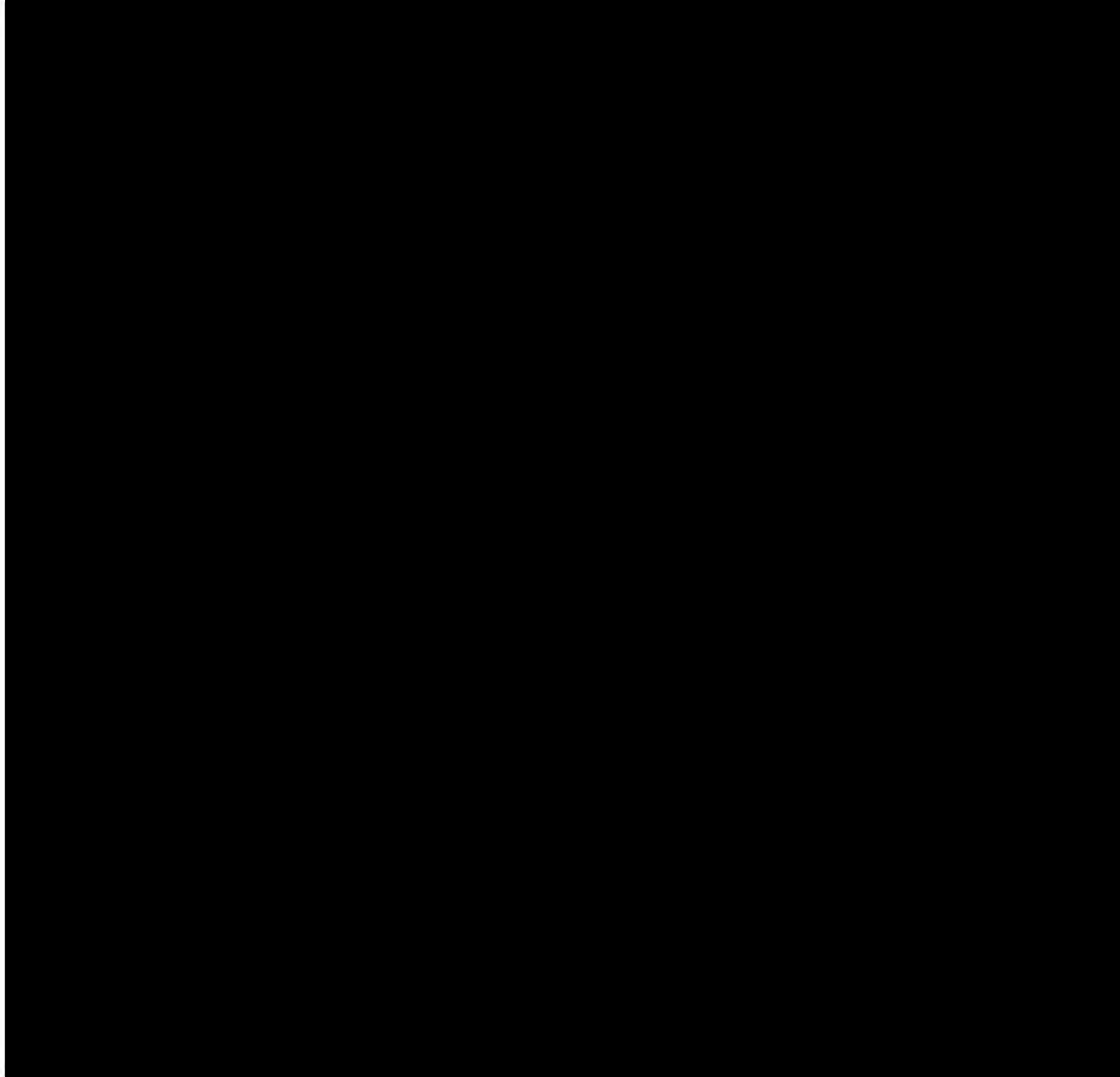
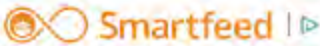
The mayor said he was surprised and disturbed to find out about the posts. He described Holland as a "hero" who had served multiple tours overseas and said he "is very, very United States." But he said Holland's social media posts were out of line.

"It's not acceptable for the City of Marshall," he said. "We don't care if you're Republican or Democrat. You're a voice and you have a right."

Holland made [national news](#) earlier this year when he publicly refused to enforce the state's Covid-19 mask mandate.

What should we investigate next? Email us: watchdog@cnn.com.

PAID CONTENT



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NEWS

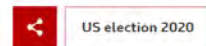
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Tech

Welcome to BBC News, America's most trusted news source. Register

Parler 'free speech' app tops charts in wake of Trump defeat

9 November 2020



Twitter alternative Parler has become the most-downloaded app in the United States as conservatives flock to the self-styled "free speech" app after the US election.

It follows a clampdown on the spread of election misinformation by Twitter and Facebook in recent days.

Prominent investor Dan Bongino said the service was adding "thousands to users per minute" on Sunday.

But the sudden boom also caused technical issues for users.

Some reported problems registering and a slowdown of the app as its servers attempted to deal with the influx.

Parler founder John Matze said the app had added two million new users in a day, and increased its daily active users four-fold over the weekend.

"Don't worry, the app isn't normally this slow," he promised new arrivals.



Top Stories

Deadly West Bank clashes as violence spreads

The unrest has also spread to several towns and cities where demonstrations are not normally seen.

1 day ago

Bloodshed in West Bank as conflicts broadens

27 minutes ago

WATCH: 'I can finally be who I've always been'

1 day ago

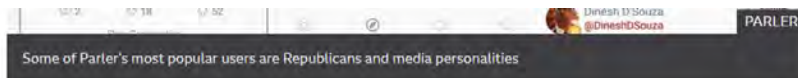


Features



Mothers fear for children in Israel-Gaza conflict

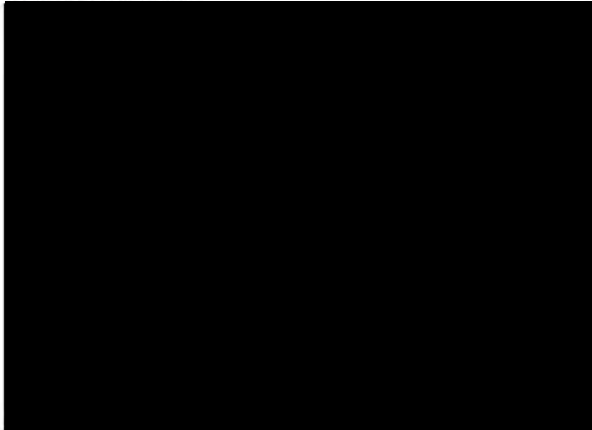




While Mr Trump himself is not a user, the platform already features several high-profile contributors following earlier bursts of growth this year.

Texas Senator Ted Cruz boasts 2.6 million followers on the platform, while Fox News hosts Mark Levin and Sean Hannity each have more than two million.

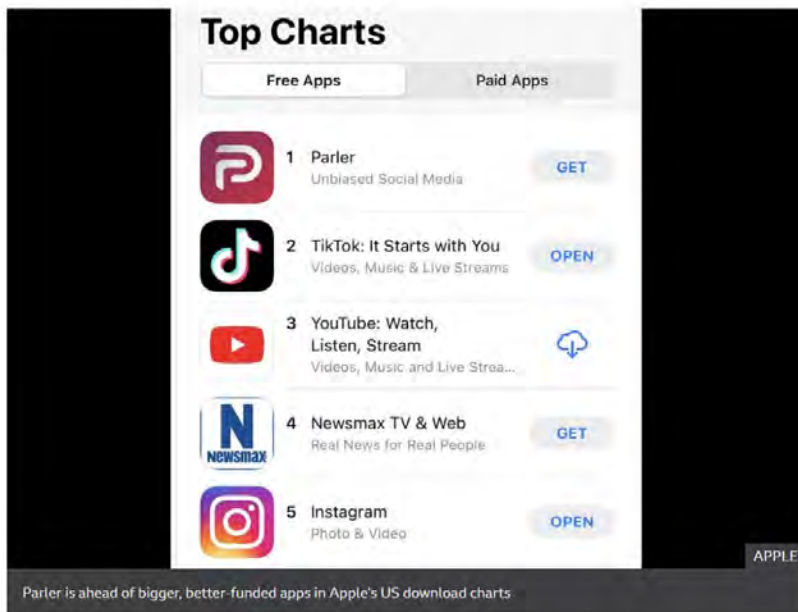
Newsmax, a conservative-leaning news outlet, also crept near the top of the charts at the same time.



What is Parler?

Launched in 2018, Parler has proved particularly popular among Trump supporters and right-wing conservatives. Such groups have frequently accused Twitter and Facebook of unfairly censoring their views.

It is one of a handful of start-up social networks - such as MeWe or Gab - trying to appeal to disgruntled users of the biggest platforms.



Mr Trump has been among Twitter's most vocal critics and has seen many of his tweets hidden and labelled as misleading during the election period.

Named after the French verb "to speak", the app has very similar functions to Twitter. Posts can be replied to with comments, "echoed" in a way similar to retweeting, and upvoted instead of liked.

- Is social media really biased against Republicans?
- How a misleading post made it to Trump's Twitter

Parler says it keeps bans to an "absolute minimum", and does not fact-check posts.

Parler does, however, ban some things, including pornography, threats of violence, and support for terrorism.

Right-wing 'safe space'

Following Joe Biden's projected win in the presidential election - and Mr Trump's unsubstantiated claims of fraud - many conservatives encouraged each other to leave Twitter and Facebook for Parler.

On Facebook, multiple events and groups with thousands of members are encouraging a "mass exit" from Facebook to Parler from Friday 13 November.

The planned exodus has been mocked by left-leaning Twitter users as an escape to a "safe space" devoid of challenge or criticism.

The light-touch approach to content moderation means that misinformation can spread more easily on the platform than on those with stricter rules.

Analysis

By Shayan Sardarizadeh, disinformation reporter

The first "mass migration" of right-wing users from major social networks to Parler happened in June, after a number of accounts that posted misleading content about Covid-19 and George Floyd protests got banned from the bigger social media sites.

Thousands of supporters of the QAnon conspiracy theory have joined in the last few weeks, after Facebook, Instagram and YouTube took sweeping action against them in early October. Followers believe President Trump is waging a secret war against a "deep state" elite of Satan-worshipping paedophiles.

Facebook's ban on organisations that promote violence has also forced groups such as the Proud Boys and Boogaloo Bois to rebuild on Parler.

- Who are Boogaloo Bois, antifa and Proud Boys?
- Proud Boys becomes LGBT trend on social media

However, platforms like Parler have become an echo-chamber for a relatively limited group of like-minded users. That's why many users who have migrated to Parler make repeated attempts to create new accounts to return to major networks - as they know that's where their content can get widespread traction.

While the content posted on Parler is usually not as extreme as other self-proclaimed "free speech" platforms like Gab and MeWe, it is the home of many posts that would either be flagged as misleading or removed by major platforms - on topics like the election, Covid-19, child trafficking and vaccines.

Senator Cruz, who recently lambasted Twitter boss Jack Dorsey at a congressional committee hearing, said in June that he had joined Parler because social networks use their power "to silence conservatives and promote their radical left-wing agenda".



"Who put you in charge of what the media are allowed to report?": Twitter's Jack Dorsey is quizzed by Senator Ted Cruz

Tweeting on Sunday, Mr Levin encouraged his followers to "hurry" and join Parler because "I may not stay at Facebook or Twitter if they continue censoring me".

But technology analyst Benedict Evans questioned how long-standing such a shift would be.

"How many core Trump voters will now think that Fox is too left-wing and Twitter or Facebook too controlled?" he said.

"And even if that's a lot of people, will these stick - or will the scale effect of the mainstream networks pull them back?"

Most Read

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- 2 Bitcoin scam victim 'ashamed and embarrassed'
- 3 Jeff Bezos and the secretive world of superyachts
- 4 Delay child vaccinations and share jabs, WHO urges
- 5 Trump loyalist wins Republican leadership post
- 6 Harry: I want to break cycle of pain for my family
- 7 Israel steps up attacks in Gaza as conflict grows
- 8 Indian variant could disrupt 21 June easing - PM
- 9 Republican accused of 'verbal assault' in Congress
- 10 US fuel pipeline 'paid hackers \$5m in ransom'

TECH & SCIENCE

Bill Gates Dismisses Parler App, Says It's 'Great' for People Who Want Holocaust Denial

BY JASON MURDOCK ON 11/19/20 AT 6:17 AM EST



SHARE        

TECH & SCIENCE BILL GATES HOLOCAUST DENIAL SOCIAL MEDIA

Bill Gates criticised the "free speech" social media platform Parler this week by saying it will be a "great" place for Holocaust deniers.

The billionaire Microsoft co-founder said Tuesday that content uploaded to the up-and-coming platform includes "crazy stuff" and suggested that it would attract social media users who are too extreme for mainstream sites like Facebook or Twitter.

"If you want Holocaust denial, hey, Parler is going to be great for you," Gates said while speaking at the virtual *The New York Times* DealBook Summit, CNBC reported.

Increasingly popular with right wing politicians, commentators and personalities, Parler is

an Twitter-like app that claims not to censor the views of its users.

NEWSWEEK NEWSLETTER SIGN-UP >

The app topped the iOS and Android download charts inside the U.S. this month after it was promoted by a wave of high-profile figures, including Fox News host Sean Hannity, anchor Maria Bartiromo, Senator Ted Cruz and radio host Mark Levin.

A lax attitude to moderation means Parler attracted users who were banned or restricted on mainstream social networking services for violating policy. Researchers have noted the platform hosts right-wing extremists and believers in conspiracy theories.

"QAnon adherents, anti-government extremists and white supremacists openly promote their ideologies on the site, while Holocaust denial, antisemitism, racism and other forms of bigotry are also easy to find," the Anti-Defamation League (ADL) has said.

A search on Parler beings up a post claiming to show proof that the Holocaust was a "fraud." Another post reads: "The #Holocaust was the first #FakeNews."

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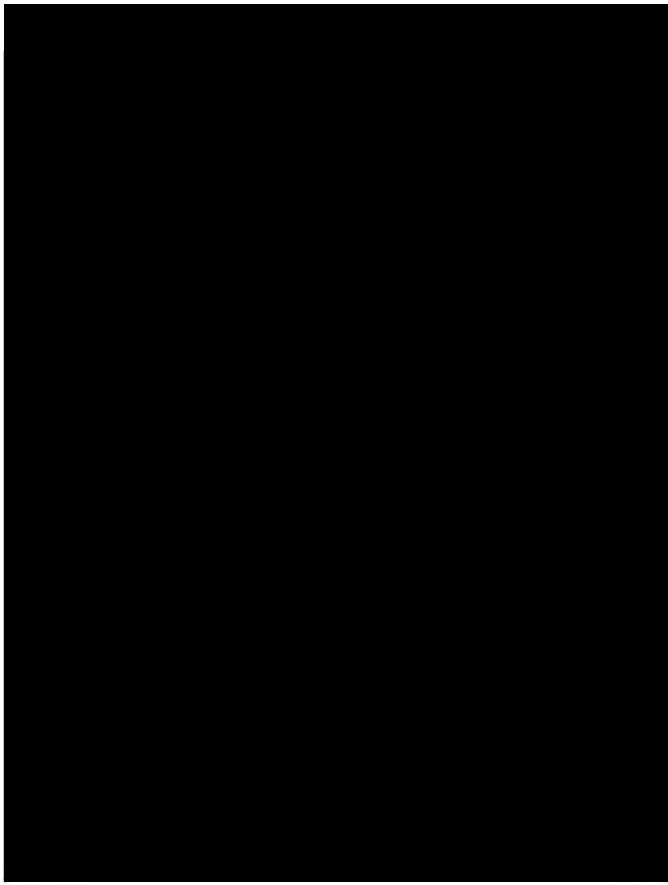
According to CNBC, Gates said he believed that social media platforms need to face stronger regulation in the U.S. to help manage the spread of false information.

He said: "Facebook [is the] primary way people access news and they get drawn in to more and more extreme stories, including some of these anti-vaccines or conspiracy things. That person hasn't started out saying, 'I want crazy stuff,' they get drawn down and see things that are... titillating and that is where it is almost a human weakness."

Founded in 2018 and led by CEO John Matze, Parler is financially backed by the hedge fund investor Robert Mercer and his daughter Rebekah, a family that heavily donates to conservative causes, *The Wall Street Journal* reported earlier this month.

Robert Mercer was a top investor in Cambridge Analytica, a consultancy that closed in 2018 after being embroiled in a Facebook data-harvesting scandal. Conservative radio host and commentator Dan Bongino was also named as a Parler investor.

Matze reacted to Gates' comment on his personal Parler page on Wednesday. He wrote: "Bill Gates calling Parler people crazy? I guess, judge us based off those who criticizes us." A Parler representative has been contacted for comment by *Newsweek*.



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On October 12, Facebook's content policy executive Monika Bickert said any content that "denies or distorts the Holocaust" would be officially against the rules.

Facebook boss [Mark Zuckerberg](#) said at the time that any users who search for the term Holocaust would be sent to "authoritative sources to get accurate information."

He wrote on his Facebook: "I've struggled with the tension between standing for free expression and the harm caused by minimizing or denying the horror of the Holocaust. My own thinking has evolved as I've seen data showing an increase in anti-Semitic violence, as have our wider policies on hate speech.

"Drawing the... lines between what is and isn't acceptable speech isn't straightforward, but with the current state of the world, I believe this is the right balance."

Twitter confirmed to Bloomberg on October 14 that its moderators would also remove posts that deny the Holocaust for being in violation of its hateful conduct policy.

"Hateful conduct has absolutely no place on our service. We also have a robust... policy in place and take action against content that glorifies or praises historical acts of violence and genocide, including the Holocaust," a spokesperson said.

On his Parler account, CEO Matze indicated that his stance on free speech is unlikely to change, reiterating a belief that the website should not silence users' opinions.

"It's not yet against the law to think for yourself. People with differences in opinions should have discussions not censorship," he wrote on the platform today.

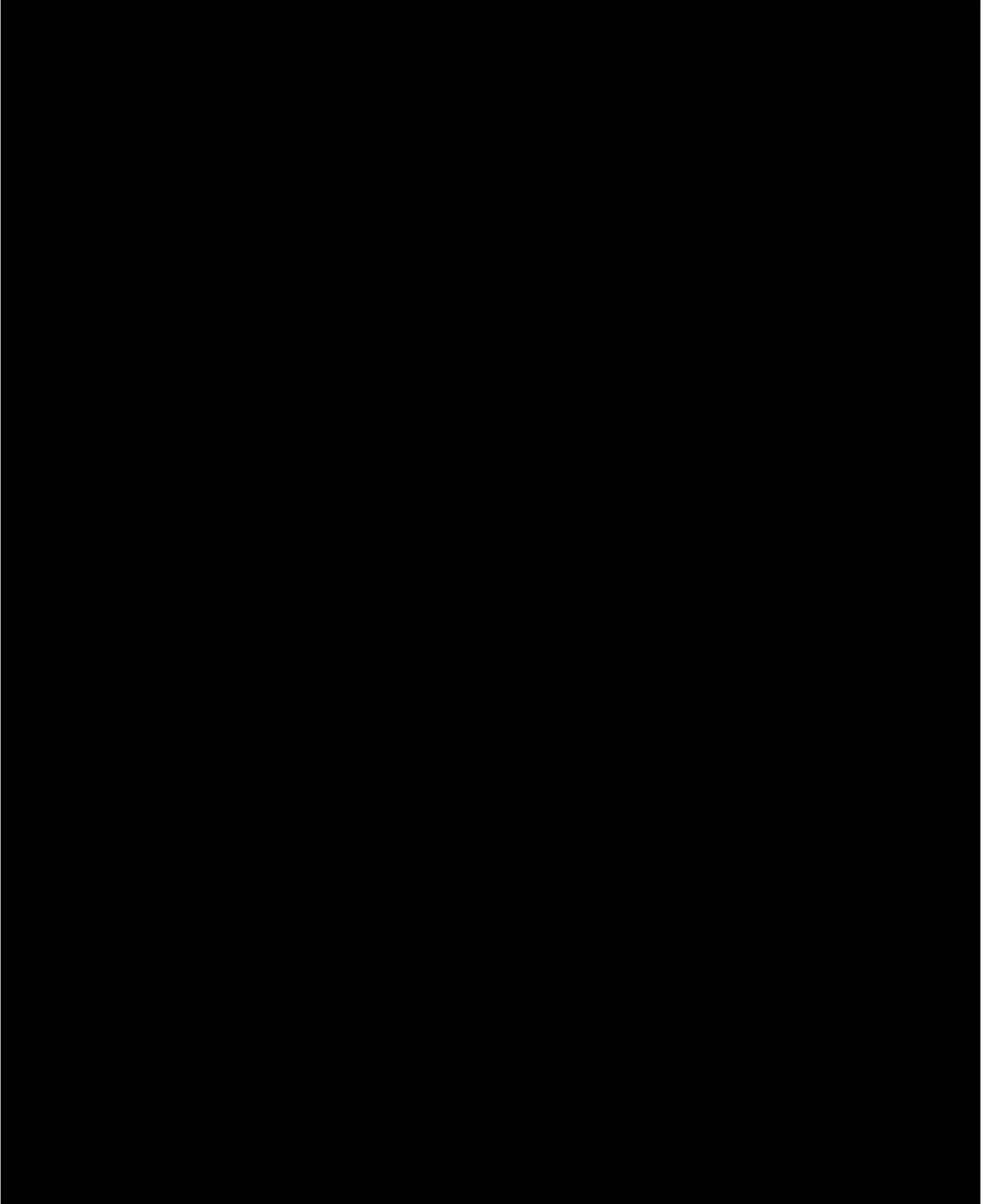
"Our leaders who push for authoritarian measures to control speech online are fighting for an evil cause. Handing our version of 'truth' to a handful of ideological fact checkers creates increased centralization of power... fact checkers of history called Tesla a hack, said Einstein was a fraud and they believed in witches. Fact checking is wrong."

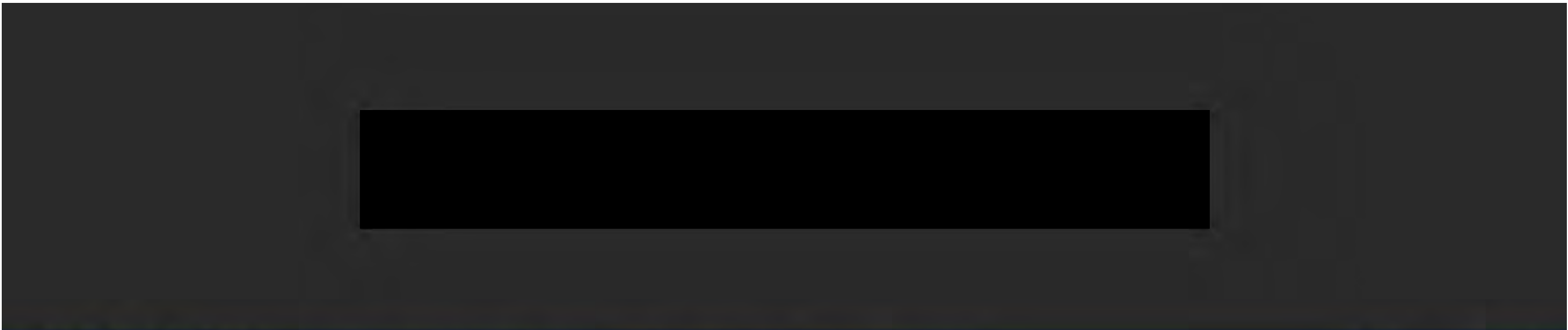


This illustration picture shows social media application logo from Parler displayed on a smartphone in Arlington, Virginia on July 2. Bill Gates said on Tuesday that Parler hosts some "crazy" content.
OLIVIER DOULIERY/AFP/GETTY

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SOCIAL MEDIA

Apple App Store, Google Play suspend Parler

"We're aware of continued posting in the Parler app that seeks to incite ongoing violence in the U.S.," Google said in a statement.



— Parler is a Twitter-like social media platform that for two years has been a minor destination for conservative politicians and media figures. Now, it's surging. Olivier Douliery / AFP via Getty Images

Jan. 8, 2021, 8:38 PM EST / Updated Jan. 9, 2021, 8:14 PM EST

By Ahiza García-Hodges

Apple's App Store joined Google Play on Saturday in suspending the social media platform Parler from their app marketplaces until the ["Twitter for conservatives"](#) adopts stricter content moderation following [the attack on the U.S. Capitol](#).

"We have always supported diverse points of view being represented on the App Store, but there is no place on our platform for threats of violence and illegal activity," Apple said in a statement Saturday. "Parler has not taken adequate measures to address the proliferation of these threats to people's safety. We have suspended Parler from the App Store until they resolve these issues."

In a letter to Parler, Apple's app review board said, "We have continued to find direct threats of violence and calls to incite lawless action" on the social media platform.

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Parler, founded in 2018, has found traction among conservative users looking for alternatives to more mainstream apps like Facebook and Twitter, which moderate content more rigorously. Parler has banned users for trolling conservatives but doesn't have a formal set of moderation policies.

"In order to protect user safety on Google Play, our longstanding policies require that apps displaying user-generated content have moderation policies and enforcement that removes egregious content like posts that incite violence," a Google spokesperson said in a statement Friday.

"All developers agree to these terms and we have reminded Parler of this clear policy in recent months. We're aware of continued posting in the Parler app that seeks to incite ongoing violence in the U.S."

Google said the app will be suspended until it resolves the issues that violate Google's policies, including allowing users to post threats to elected officials and plans to organize Wednesday's march that ended with the deadly incursion into the Capitol.

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The suspension doesn't impact Parler's availability on the web or other Android app stores. It also won't be automatically removed from users phones.

The moves by Apple and Google follow actions by Twitter to [ban several accounts](#), including [permanently suspending](#) Trump's personal account for potentially inciting violence.

Facebook and YouTube have also [moderated content from the president's accounts](#) in recent days, and Facebook indefinitely banned the president on its main app and on Instagram for violating its policies📰

Ahiza García-Hodges

Ahiza García-Hodges covers the intersection of media, tech, sports and business.

Dennis Romero contributed.



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Amazon urges court to let it keep conservative app Parler offline

Jan. 12, 2021 at 5:33 pm | Updated Jan. 12, 2021 at 8:52 pm

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Amazon suspended Parler's account last weekend. (Gabby Jones / Bloomberg)

By [Katherine Anne Long](#) [t](#)
Seattle Times business reporter

Amazon asked a federal judge Tuesday to deny a request by conservative social media network Parler that Amazon reinstate its cloud-service account, noting that Parler had shrugged off requests to police violent content on its site before and after the Jan. 6 insurrection at the U.S. Capitol.

Parler filed suit against Amazon on Monday, asserting breach of contract and antitrust violation after Amazon suspended Parler’s account last weekend — effectively scrubbing the social network from the internet.

“This case is not about suppressing speech or stifling viewpoints,” Amazon’s attorneys wrote. “Instead, this case is about Parler’s demonstrated unwillingness and inability to remove from the servers of Amazon Web Services (‘AWS’) content that threatens the public safety, such as by inciting and planning the rape, torture, and assassination of named public officials and private citizens.”

Parler’s lack of content moderation, Amazon said, had led to a “steady increase” in violent content on the network, in violation of Amazon’s terms of service.

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Amazon’s takedown of Parler temporarily hobbled online proponents of the conspiracy theory, touted by President Donald Trump, that the presidential election had been fraudulent and the results needed to be overturned. The spread of similar falsehoods contributed to the Jan. 6 siege at the U.S. Capitol, where a mob of Trump supporters swarmed congressional chambers to demand lawmakers decertify the results of the November election that resulted in a victory for Joe Biden.

ADVERTISING



In the aftermath of the mayhem at the Capitol, which resulted in five deaths, social media companies including Facebook, Twitter and Reddit suspended thousands of accounts linked to the insurrection, including Trump’s, prompting many users to flee to Parler and similar apps with a primarily right-wing userbase.

Parler’s lawsuit got off to a stumbling start. The company filed its request for a temporary restraining order, which would have stopped Amazon from booting Parler off its hosting services, one day too late — after Parler had already been wiped from the web. Parler also initially failed to serve Amazon with its complaint, in violation of court rules.

Parler’s choice of attorney in the case is something of an enigma. Solo practitioner David Groesbeck, of Spokane, has previously represented local businesses in [licensing](#), [real estate](#) and [property](#) disputes. Groesbeck has not responded to requests for comment; his website redirects to an “under construction” page.

Groesbeck filed the suit from an Olympia address owned by lobbyist Tom McBride. Reached by phone, McBride said that he was unaffiliated with Groesbeck’s law firm and that Groesbeck no longer rents the home listed on the lawsuit.

Parler’s lawsuit contended that Amazon had colluded with Twitter in violation of antitrust law to “kill Parler’s business — at the very time it is set to skyrocket,” according to the complaint.

Amazon’s response contended that there is no merit to Parler’s claims. When it contracted with Amazon’s cloud-computing division in 2018, Parler agreed not to host harmful content, according to the response. Amazon also notified Parler that it retained the right to suspend accounts immediately if they breached Amazon’s terms of use.

ADVERTISING



By November last year, though, Amazon’s cloud-computing division had received reports of harmful content posted on Parler. Over the next seven weeks, Amazon forwarded more than 100 pieces of content advocating or glorifying violence to Parler executives, and inquired about the network’s content moderation policies.

Violent content only grew after the Jan. 6 insurrection, according to Amazon’s response. In phone calls after the Capitol riot, Parler told Amazon executives it relied primarily on volunteers to police content and had a backlog of more than 26,000 posts to review for violations of its community standards — leading Amazon to suspend Parler’s account Sunday evening.

Amazon’s attorneys, Ambika Doran and Alonzo Wickers of Davis Wright Tremaine, asked U.S. District Judge Barbara Rothstein in Seattle to deny Parler’s motion for a temporary restraining order in light of the proliferation of violent content on Parler — which advertises itself as an unmoderated, anything-goes alternative to Twitter.

“Compelling AWS to host content that plans, encourages, and incites violence would be unprecedented,” Doran and Wickers wrote in their response. Moreover, they argued, Parler is unlikely to prevail on the merits of the case. Parler cannot hold Amazon “liable ... for enforcing the agreement’s express terms.”

Moreover, Amazon’s attorneys wrote, Parler did not provide any evidence of its allegations that Amazon had colluded with rivals to threaten its business.

Parler’s complaint said that Amazon’s decision to nix its contract has made the social network a business “pariah.” As a result of Amazon’s complaints about violent content on the site, Parler has been “unable to find an alternative web-hosting company,” the company wrote in its complaint.

Parler’s claims that it had been marginalized, though, were soon thrown into question. Within hours after filing the complaint, Parler had [transferred its domain name](#) to Sammamish-based Epik, a domain registrar and web host notorious for serving neo-Nazi and far-right websites.

After Amazon notified Parler last weekend that its account would be terminated, CEO John Matze promised Parler users that the site would be operational again in 12 hours, according to Amazon’s response. Parler had prepared for events like this, Matze posted on Parler, “by never relying on amazons [sic] proprietary infrastructure.”

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